

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE DELTA DENTAL ANTITRUST
LITIGATION

This document relates to: ALL ACTIONS

CIVIL ACTION NO.

1:19-CV-06734

MDL NO. 2931

JOINT STATUS REPORT

Pursuant to the Court's minute entry dated September 11, 2020 (Doc. No. 305), the undersigned parties jointly submit this Status Report to provide the Court with an update regarding the multidistrict litigation ("MDL").

Background

As summarized in the parties' Rule 26(f) report, Doc. No. 304, this MDL centralizes fifteen cases filed in this District and thirteen cases filed outside this District bringing claims against the Delta Dental Defendants ("Defendants"). A Consolidated Amended Complaint ("CAC") was filed on November 26, 2019. Doc. No. 96.¹ The Court denied Defendants' joint Motion to Dismiss the

¹ The complaints filed outside of the Northern District of Illinois are: *Obeng v. Delta Dental Plans Association, et al.*, Case No. 1:19-cv-25072 (S.D. Fla.); *Dickey v. Delta Dental Plans Association, et al.*, Case No. 3:19-cv-00910 (S.D. Miss.); *Mincy v. Delta Dental Plans Association, et al.*, Case No. 1:19-cv-00227 (N.D. Miss.); *Stephens v. Delta Dental Plans Association, et al.*, Case No. 2:19-cv-10576 (C.D. Cal.); *Mells v. Delta Dental Plans Association, et al.*, Case No. 3:19-cv-08182 (N.D. Cal.); *Braunstein v. Delta Dental Plans Association, et al.*, Case No. 3:19-cv-00915 (W.D. Ky.); *DeVinney v. Delta Dental Plans Association, et al.*, Case No. 3:19-cv-08258 (N.D. Cal.); *Kottemann Orthodontics, P.L.L.C. v. Delta Dental Plans Association, et al.*, Case No. 0:19-cv-03139 (D. Minn.); *Baldwin v. Delta Dental Plans Association, et al.*, Case No. 0:19-cv-03141 (D. Minn.); *Drs. Lutins & Benitz, P.A. v. Delta Dental Insurance Company, et al.*, Case No. 1:19-cv-01247 (M.D.N.C.); *Schwartz v. Delta Dental Plans Association, et al.*, Case No. 2:20-cv-00018 (E.D. La.); *Swiecinski v. Delta Dental Insurance Co., et al.*, Case No. 1:20-cv-03913 (D. New Jersey); and *Ben Zvi v. Delta Dental of New York*, Case No. 1:20-cv-05628 (S.D.N.Y.). The complaints filed in this District are the eleven actions consolidated in the CAC and the following four additional complaints: *American Dental Association, et al. v. Delta Dental Insurance Co., et al.*, Case No. 1:19-cv-07909 (N.D. Ill.); *Endodontics of New Mexico v. Delta Dental Insurance Company, et al.*, Case No. 1:20-cv-00798 (N.D. Ill.); *Deep and Daughtry, PC, et al. v. Delta Dental Insurance Co., et al.*, Case No. 1:20-cv-02124 (N.D. Ill.); and *Premiere Dental d/b/a Premiere Dental Spa, et al. v. Delta Dental Insurance Co., et al.*, Case No. 1:20-cv-03880 (N.D. Ill.).

CAC on September 4, 2020. Doc. No. 303. The Court entered a Scheduling Order on September 11, 2020, in which the Court ordered that the CAC was “the operative class action complaint on behalf of all plaintiffs in this MDL” and that “[a]ll other complaints filed in or transferred as a part of the MDL as of the date of this Order are hereby superseded by the CAC and no longer operative complaints.” Doc. No. 306.

At the time of the Rule 26(f) report, the *Ben Zvi* plaintiffs had filed a motion with the Judicial Panel on Multidistrict Litigation (“JPML”) seeking to vacate Conditional Transfer Order No. 3. Subsequently, the JPML denied the *Ben Zvi* plaintiffs’ motion and ordered the case to be transferred to this Court for coordinated or consolidated pretrial proceedings. *In re Delta Dental Antitrust Litig.*, MDL No. 2931, Doc. No. 193 (J.P.M.L. Dec. 16, 2020).

Pleadings and Initial Disclosures

Pursuant to the Scheduling Order, Defendants filed their respective Answers to the CAC on October 30, 2020, Doc. Nos. 331-347, and Plaintiffs and Defendants served their respective initial disclosures on November 12, 2020.

Stipulations and Protocols

Pursuant to the Scheduling Order, the parties have filed, and the Court has entered, a preservation order, protective order, ESI protocol, and a stipulation on the non-discoverability of expert communications and draft reports. Doc. Nos. 316-319, Doc. Nos. 348-351. On October 29, 2020, the parties also filed, consistent with the Scheduling Order, a proposed agreed order regarding the production of structured data. Doc. No. 330. That order has not yet been entered by the Court.

Discovery

On December 16, 2020, Defendants served their First Set of Requests for Production of

Documents Directed to Plaintiffs and their First Set of Interrogatories to Plaintiffs. Plaintiffs served their First Set of Requests for Production of Documents to All Defendants on December 28, 2020. By agreement of the parties, Plaintiffs' responses and objections to the discovery requests are due February 15, 2021, and Defendants' responses and objections are due February 26, 2021. At the time of this Status Report, the parties do not have any ripe discovery disputes to present to the Court for its consideration.

Fact discovery for this MDL currently is set to close on July 1, 2022. Doc. No. 306 ¶ E(d).

Dated: February 2, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Britt M. Miller, an attorney, hereby certify that on February 2, 2021, I caused a true and correct copy of the foregoing **JOINT STATUS REPORT** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and separately via email to counsel of record. Parties may access this filing through the court's CM/ECF System.

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